

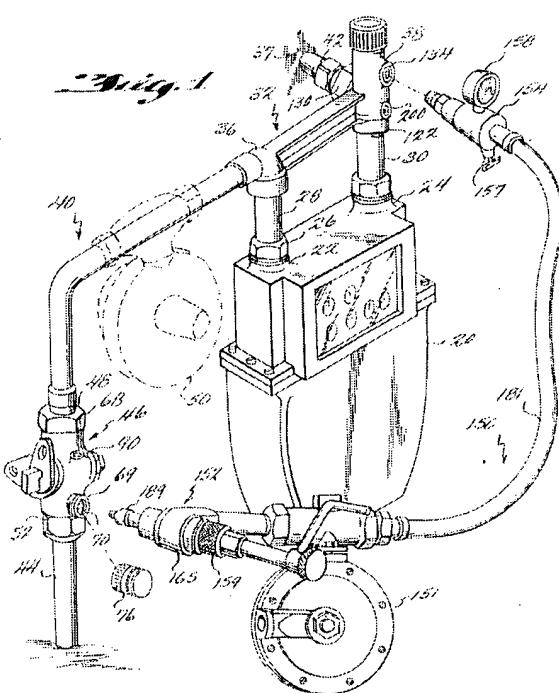
BEST AVAILABLE COPY

REMARKS

This Amendment is responsive to the Office Action dated May 8, 2006. In the application, Claims 1 - 12 are pending and each claim stands rejected based on art cited by the Office.. Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims as amended in view of the remarks presented below.

Rejections under 35 U.S.C. § 102

The Office Action relies on the patent to F. H. Mueller et al., U.S. Patent No. 3,296,861, to find that Claims 1 and 5-12 are anticipated under 35 U.S.C. §102. [Office Action, p.2]. Applicant believes that the Office Action intended to rely on this patent, even though it refers to the primary reference as Mueller and the secondary reference as Mueller et al. However, because the Office Action cites to Figure 9 which is not found in the Mueller reference, Applicant presumes that this was merely an oversight and that the Mueller et al. patent was intended as the primary reference. The Mueller et al. patent



discloses a bypass meter installation that finds use in replacement of existing residential gas meters because the flow of gas does not have to be interrupted while the new meter is installed and the old meter is replaced. This is accomplished with the use of a bypass line that circumvents the old meter so that it can be disconnected without a stoppage of gas service to the dwelling. The figure left illustrates the Mueller et al. apparatus.

The Mueller valve is intended for use on the high pressure side of the meter set prior to the regulator 50. The bypass line

BEST AVAILABLE COPY

150 connects to a valve stop 46 prior to the meter 20, and to a coupling 38 after the meter. The gas is merely rerouted through the bypass line while the meter is removed and replaced or repaired if necessary.

The present invention is directed to a different problem, that is the installation of a new meter system. The invention uses a prefabricated meter bar and stop valve formed as a unitary apparatus that can be checked for leaks and pressure integrity in the factory prior to delivery to the construction site. Figure 6 of the Lyall patent application (below) illustrates the unitary structure of the meter bar (15, 61, 11) and locking shut-off valve 33.

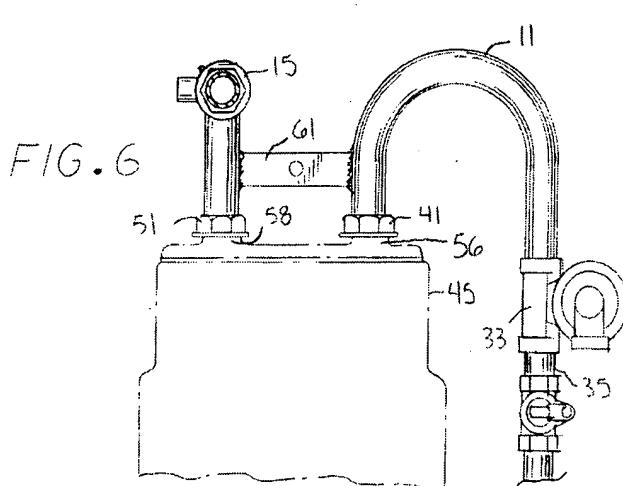


FIG. 6

Applicant has incorporated the limitations of Claim 8 and 9 into Claim 1 to better define the scope of the present invention. Claim 1 as amended calls for a valve assembly that is mounted to a stem pipe as a unitary structure at the first port, the stem pipe oriented perpendicular to a longitudinal axis of the housing and adapted to mate with the inlet of a gas meter 45, and a loop pipe rigidly connecting the stem pipe with the valve assembly. As pointed out in the specification, this construction provides many benefits that are not present and could not be reasonably appreciated from the Mueller reference. For example, the specification teaches at page 11 that the stem pipe and loop pipe/valve assembly can be prefabricated at a factory and tested so that installation in the field is simpler and is accomplished without the need for leak testing or certain other precautionary measures. This is not an issue nor a goal of the Mueller apparatus.

Because Mueller deals with a different problem, i.e. bypassing the meter, there is no teaching of incorporating the U-shaped loop pipe and the stem pipe along with the valve into a single unitary structure. Clearly, the claimed invention is not taught in any of the cited art and the rejection based on 35 U.S.C. §102 is not applicable here. Further,

because there is no teaching or suggestion to be found anywhere for creating the claimed valve assembly there can be no rejection based on obviousness.

Claim 1 also originally included the feature of a three position poppet where:

"the poppet occluding the second port when the poppet is rotated to the first angular position; occluding the first port when the poppet is rotated to the second angular position, and occluding both the first port and the second port when the poppet is rotated to the third angular position"

The reference cited by the Office Action as anticipating Claim 1 does not teach this physical feature of the poppet. "A claim is anticipated only if each and every element as set forth in the claim is found ... in a single prior art reference." MPEP §2131. The **identical** invention must be shown in as complete detail as is contained in the claim. *Id.* Thus, a rejection under §102 is improper if any elements of the claim are not taught by the single alleged anticipatory reference. Here, Mueller et al. teaches a valve that is either open or closed, and includes an intermediary position that is open to both first and second ports, but fails to describe a valve poppet that occludes a first and second port in a third position as claimed. This feature is important to the present application but not the Mueller et al. device because the present device is adapted to receive a second source of gas, but during installation both sources would need to be disconnected thus requiring a valve position where no gas is transmitted. This claimed feature cannot be achieved by the proposed anticipatory reference, and thus the rejection of Claim 1 is improper on this ground as well.

All of the remaining claims depend directly or indirectly from Claim 1, which has been demonstrated to be patentably distinguishable over the art of record on multiple grounds. Accordingly, Applicant respectfully submits that the application as amended is in condition for allowance, and early notification of same is respectfully requested. If the examiner believes that a teleconference will further the prosecution of this case, the examiner is invited to contact the undersigned.

If any fees are due, please charge our Deposit Account Number 21-0800.

Respectfully submitted,

FULWIDER PATTON LLP

By:


Michael J. Moffatt

Registration No. 39,304

MJM:spc

200 Oceangate, Suite 1550
Long Beach, CA 90802
Telephone: (562) 432-0453
Facsimile: (562) 435-6014
Customer No. 27629